

March 15, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554
Via Electronic Filing

Re: *Ex Parte* Presentation, WC Docket No. 07-245; GN Docket 09-51

Dear Ms. Dortch:

The DAS Forum, a membership section of PCIA—The Wireless Infrastructure Association,¹ writes to further support the existing record in the above captioned dockets regarding the feasibility of reasonable timelines for wireless pole attachments, including on pole tops. The record firmly supports the need for wireless antennas, including for use in Distributed Antenna Systems (“DAS”), to be placed at the tops of utility poles in order to maximize coverage and most efficiently utilize the existing infrastructure in the right of way.²

The record supports the need for reasonable make ready timelines for wireless attachments to utility poles that are the same or as close as possible to those for wireline attachments. Timelines should not depend on the location on the pole to which wireless antennas are attached; the make ready work is largely the same, and should take the same amount of time. Nonetheless, as a compromise, and consistent with the proposal put forth by CTIA—The Wireless Association, we propose herein an extended make ready timeline that should provide ample time for utility pole owners to conduct make ready for pole top antenna attachments.

Modified Make Ready Timeline for Pole Top Antenna Attachments

- The pole owner must complete make ready for pole top antenna attachments within the proposed wireline timeline plus 30 days.³
- The pole owner could have a rebuttable presumption in which it bears the burden of proof of demonstrating that it needs additional time beyond the wireline timeline plus 30 days, and must communicate it to the attacher prior to the expiration of the timeline.

¹ PCIA is a non-profit national trade association representing the wireless infrastructure industry. PCIA’s members develop, own, manage, and operate over 150,000 towers, rooftop wireless sites, and other facilities for the provision of all types of wireless and broadcast services. The DAS Forum’s membership includes virtually every major neutral host outdoor and indoor DAS provider, as well as manufacturers of equipment used in the wireless service sectors, and several commercial mobile radio service carriers currently deploying DAS as part of their networks.

² See Comments of the DAS Forum, a membership section of PCIA—The Wireless Infrastructure Association, WC Docket No. 07-245, GN Docket No. 09-51, at 12-13 (filed Aug. 16, 2010); Comments of the DAS Forum, a membership section of PCIA—The Wireless Infrastructure Association, WC Docket No. 07-245, RM-11293, RM-11303, at 11-12 (filed Mar. 7, 2008); Comments of CTIA—The Wireless Association, WC Docket No. 07-245, RM-11293, RM-11303, at 12 (filed Mar. 7, 2008); Comments of MetroPCS Communications, WC Docket No. 07-245, GN Docket No. 09-51, at 7 (filed Aug. 16, 2010); Comments of MetroPCS, WC Docket No. 07-245, RM-11293, RM-11303, at 6 (filed Mar. 7, 2008); Comments of NextG Networks, Inc, WC Docket No. 07-245, RM-11293, RM-11303, at 15-23 (filed Aug. 16, 2010).

³ Consistent with CTIA’s proposal, this will result in 148 days for make ready for pole top attachments when no multiparty coordination is required, and 178 days when multiparty coordination is required.

I. THE COMMISSION SHOULD ADOPT REASONABLE MAKE READY TIMELINES FOR WIRELESS ATTACHMENTS

Wireless antennas attached to utility poles are most efficient and effective when attached to pole tops. Wireless technology is a line of sight technology, which requires antennas to be placed at an elevation above surrounding clutter. As the height above ground level for the antenna increases, the coverage radius of the antenna also increases up to an optimal balance of coverage and capacity. The tops of utility poles generally provide the optimal location for wireless antennas, as compared to being attached lower on the pole, allowing maximum coverage and capacity for a given antenna.

It is difficult to provide average coverage areas for wireless antenna attachments because the coverage area is highly unique to a given deployment. Communications space attachments are generally at a height of 20 to 22 feet above ground level, while pole top attachments can be between 35 and 50 feet above ground level. DAS Forum members confirm that it could take three times or more communications space antennas to achieve the same coverage and signal quality as pole top antennas for a given deployment. This rule has a multiplying effect on large deployments. The use of antennas at the pole top versus at the communications space also results in lower costs and improved aesthetics of a deployment.

In practice, the make ready work for pole top antennas is not materially different from make ready work for communications space antenna attachments.⁴ Further, with fewer poles involved in DAS networks utilizing pole top antenna attachments relative to communications space antenna attachments, it is reasonable to apply the same or shorter make ready timelines for pole top attachments.⁵

In certified states that have timelines directly governing wireless attachments, the timelines are the same regardless of the location of the antenna on the pole. The timelines differ only due to the number of poles on which the attacher requests to attach. In Utah, which permits pole top antenna attachments,⁶ the pole owner must respond to requests to attach up to 20 poles or less within 45 days.⁷ After the approval, the utility pole owner must complete make ready within 120 days from receiving a deposit from the attacher.⁸ The total make ready timeline for all attachments to 20 poles or less is 165 days. For requests to attach to between 21 poles and the lower of 0.5% of the pole owners poles or 300 poles, the pole owner must respond within 60 days, but still has to complete make ready within 120 days from receiving a deposit from the attacher.⁹ The timelines are extended for requests from 300 to 3,000 or 5% of the poles, and requests that exceed 3,000 or 5% of poles are negotiated on an individual basis.¹⁰

⁴ See Ex Parte of The DAS Forum, a membership section of PCIA—The Wireless Infrastructure Association, WC Docket No. 07-245; GN Docket 09-51, at 5-6 (filed Mar. 2, 2011); Comments of Verizon, WC Docket No. 07-245, GN Docket 09-51, at 34 (filed Aug. 16, 2010) (“*Verizon Comments*”) (“make ready work for wireless attachments typically does not require substantially more time to complete than make ready work required to accommodate other types of attachments”).

⁵ See Comments of CTIA—The Wireless Association, WC Docket No. 07-245, GN Docket 09-51, at 6-9 (filed Aug. 16, 2010); *Verizon Comments* at 34.

⁶ Utah Admin. Code § R746-345-5(A) (2) (d) (defining “usable space” as space “above minimum grade level to the top of the pole.”).

⁷ *Id.* at § R746-345-3 (C) (1).

⁸ *Id.*

⁹ *Id.* at § R746-345-3 (C) (2).

¹⁰ *Id.* at § R746-345-3 (C) (3), (4).

In Vermont, which permits pole top access, the utility pole owner must respond to a request to attach to fewer than 0.5% of its poles within 60 days, and must complete make ready within 120 days of payment.¹¹ The total timeline for requests to attach to up to 0.5% of the utility pole owners' poles is 180 days. For requests to attach to between 0.5% and 3% of the pole owners' poles, the time to respond to the request to attach is extended to 90 days, and make ready work must be completed within 180 days from the date of payment.¹²

Importantly, the differences in timelines for make ready in both Utah and Vermont are attributable only to the number of poles to which the attacher requests to attach. There is no distinction between wireless and wireline attachments, and no distinction between communications space and pole top wireless attachments. This is indicative of the reality that the location on the pole of a wireless antenna attachment does not impact the time needed to complete make ready work. Nonetheless, we offer the below compromise if the Commission seeks to adopt a longer make ready timeline for pole top antenna attachments than communications space antenna attachments.

II. MODIFIED MAKE READY TIMELINE FOR POLE TOP ANTENNA ATTACHMENTS

With fewer poles involved in pole top attachment make ready than communications space attachment make ready and no appreciable difference in the work required for pole top make ready, we submit that different timelines are not necessary. However, as a compromise, and consistent with the position of CTIA—The Wireless Association, the DAS Forum will accept the slightly modified version of the proposed wireline make ready timeline for pole top antennas.

Make ready for wireless pole top attachments must not exceed the Commission's proposed make ready timeline, plus an additional 30 days. In total, the timeline for pole top wireless attachments will be a maximum of 178 days if multiparty coordination is required, or 148 days if multiparty coordination is not required.¹³ Additionally, the pole owner could have a rebuttable presumption in which it has the burden of proof that additional time beyond the timeline is warranted. If the pole owner meets the rebuttable presumption for such an extension, it must be communicated to the attacher prior to the expiration of the timeline.

Should the Commission impose a different make ready timeline for pole top antenna attachments, we believe that this proposed timeline for pole top antenna make ready is reasonable and feasible. With fewer attachments relative to communications space attachments, and similar make ready work as communications space attachments, an additional 30 days plus a possible rebuttable presumption provides utility pole owners with ample time to complete make ready for pole top antenna attachments.

¹¹ Rules and Orders of the Vermont Public Service Board, Rules Applicable to More than One Type of Utility at 3.700: Pole Attachments, at 3.708 (C) (1), (E) (1) (a).

¹² *Id.* at §3.708 (C) (2), (E) (1) (b).

¹³ The Commission's proposed make ready timeline is 118 days without multiparty coordination, and 148 days with multiparty coordination. *In re* Implementation of Section 224 of the Act; A National Broadband Plan for Our Future, WC Docket No. 07-245, GN Docket No. 09-51, *Order and Further Notice of Proposed Rulemaking*, FCC 10-84, ¶¶ 35-45 (May 20, 2010).

III. CONCLUSION

The record demonstrates strong support for reasonable timelines for wireless attachments. We urge the Commission to apply its proposed make ready timeline to all wireless attachments. If the Commission seeks a longer timeline for pole top wireless attachments, we urge it to adopt the proposed compromise herein.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter will be filed via ECFS with your office. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

_____/s/
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